

**Senate File 297 - Introduced**

SENATE FILE 297

BY PETERSEN, McCOY, and  
SCHOENJAHN

**A BILL FOR**

1 An Act concerning employment of and merit system protection  
2 for administrative law judges, workers' compensation  
3 commissioners, and the administrator of the administrative  
4 hearings division of the department of inspections and  
5 appeals.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.412, subsection 11, Code 2015, is  
2 amended to read as follows:

3 11. Professional employees under the supervision of the  
4 attorney general, the state public defender, the secretary  
5 of state, the auditor of state, the treasurer of state, and  
6 the public employment relations board. However, employees of  
7 the consumer advocate division of the department of justice,  
8 other than the consumer advocate, and administrative law judges  
9 appointed or employed by the public employment relations board,  
10 are subject to the merit system.

11 Sec. 2. Section 10A.801, subsection 3, paragraph a, Code  
12 2015, is amended to read as follows:

13 a. The department shall employ a sufficient number of  
14 administrative law judges to conduct proceedings for which  
15 agencies are required, by section 17A.11 or any other provision  
16 of law, to use an administrative law judge employed by the  
17 division. An administrative law judge employed by the division  
18 shall not perform duties inconsistent with the judge's duties  
19 and responsibilities as an administrative law judge and shall  
20 be located in an office that is separated from the offices of  
21 the agencies for which that person acts as a presiding officer.  
22 ~~Administrative~~ The administrator and all administrative law  
23 judges shall be covered by the merit system provisions of  
24 chapter 8A, subchapter IV.

25 Sec. 3. Section 86.2, subsection 1, paragraphs a and b, Code  
26 2015, are amended to read as follows:

27 a. Chief deputy workers' compensation commissioners for  
28 whose acts the commissioner is responsible, ~~who are exempt from~~  
29 who shall be appointed and serve pursuant to the merit system  
30 provisions of chapter 8A, subchapter IV, and who shall serve at  
31 the pleasure of the commissioner unless the commissioners are  
32 otherwise covered by a collective bargaining agreement.

33 b. Deputy workers' compensation commissioners for whose  
34 acts the commissioner is responsible ~~and who shall serve at the~~  
35 pleasure of the commissioner be appointed and serve pursuant

1 to the merit system provisions of chapter 8A, subchapter IV,  
 2 unless the commissioners are otherwise covered by a collective  
 3 bargaining agreement.

4 Sec. 4. Section 96.6, subsection 3, paragraph b, Code 2015,  
 5 is amended to read as follows:

6 b. Appeals from the initial determination shall be heard  
 7 by an administrative law judge employed by the department who  
 8 shall be covered by the merit system provisions of chapter  
 9 8A, subchapter IV, unless the administrative law judge is  
 10 otherwise covered by a collective bargaining agreement. An  
 11 administrative law judge's decision may be appealed by any  
 12 party to the employment appeal board created in section  
 13 10A.601. The decision of the appeal board is final agency  
 14 action and an appeal of the decision shall be made directly to  
 15 the district court.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
 18 the explanation's substance by the members of the general assembly.

19 This bill concerns administrative law judges, workers'  
 20 compensation commissioners, and the administrative hearings  
 21 division of the department of inspections and appeals.

22 Code section 8A.412 is amended to provide that  
 23 administrative law judges appointed or employed by the public  
 24 employment relations board are subject to the merit system  
 25 provision of Code chapter 8A.

26 Code section 10A.801 is amended to provide that the  
 27 administrator of the administrative hearings division of the  
 28 department of inspections and appeals is covered by the merit  
 29 system as provided in Code chapter 8A.

30 Code section 86.2 is amended to provide that chief deputy  
 31 workers' compensation commissioners and deputy workers'  
 32 compensation commissioners shall be appointed and serve  
 33 pursuant to the merit system provision of Code chapter 8A  
 34 unless the commissioners are otherwise covered by a collective  
 35 bargaining agreement. Current law provides that chief deputy

1 commissioners are exempt from the merit system and that all  
2 chief deputy and deputy commissioners serve at the pleasure of  
3 the workers' compensation commissioner.

4 Code section 96.6 is amended to provide that an  
5 administrative law judge employed by the department of  
6 workforce development for unemployment compensation cases shall  
7 be covered by the merit system provisions of Code chapter  
8 8A unless the judge is otherwise covered by a collective  
9 bargaining agreement.